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Seidman Research Papers

Workshops, Notes and Papers

Ten-day workshop on legislative drafting for democratic social change: Guyana, January 13-24 2003

<https://hdl.handle.net/2144/20060>*Boston University*

**A SYLLABUS FOR A TEN-DAY WORKSHOP
ON LEGISLATIVE DRAFTING FOR DEMOCRATIC SOCIAL CHANGE**
Guyana, January 13-24, 2003 (draft)

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DAY ONE: MONDAY

Reading assignments: Manual, Chs. 1,2,4, pp. 85-93; recommended: Study Guide, Stream A, Introduction, sessions A-1 through A-5; Stream B, Introduction and B-1.

9:00 Introductions:

Official opening
Workshop's aim and learning-by-doing process

10:15 Coffee break

10:30 Why legislative theory:

The fatal race
Distorted resource allocation and the role of institutions (repetitive behaviors)
The use of law to change dysfunctional behaviors as the basis attaining good governance and development

12:30 Lunch break

1:30 Legislative theory: (1) Why do people behave as they do in the face of a rule of law? (2) Legislative theory's problem-solving methodology.

3:15 Coffee break

3:30 Small groups:

Draft description of the problem to help resolve which your group proposes to draft a bill, and whose and what behaviors comprise that problem (a draft of the difficulty part of your research report); select presenter for next day (rotate presenters, so someone different speaks each day).

5:00 Meeting of course facilitators with group representatives and any others who have an interest in evaluating the workshop's progress and suggesting improvements.

DAY TWO: TUESDAY

Reading assignments:

Manual, ch. 4, pp. 93-99; recommended: Study Guide Stream A, session A-6; Stream B, session B-2.

9:00 Reports from groups: Description of the social problem chosen, and whose and what behaviors comprise it;
Comments and suggestions by workshop participants and facilitators for improving the group's draft problem statement.

12:30 Lunch break

1:30 Laying the foundation for designing a legislative solution: Explanations for actors' problematic behaviors
The ROCCIPI research agenda

3:15 Coffee break

- 3:30 **Small groups:**
draft Explanations part of Research Report (the causes of the primary role occupants' problematic behaviors) Select presenter for next day (rotate presenters, so someone different speaks each day).

- 5:00 Meeting of course facilitators with group representatives and any others who have an interest in evaluating the workshop's progress and suggesting improvements.

DAY THREE, WEDNESDAY

Reading assignments: Manual, Ch. 5; recommended: Study Guide, Stream A, session A-7

- 9:00 **Reports from groups:** The causes of primary role occupants' problematic behaviors; discussion and suggested improvements.

- 12:30 Lunch break

- 1:30 **Explanations for implementing agency behaviors:** Analyzing the causes of implementing agency officials' often-insufficient implementation behaviors as a basis in facts and logic for designing a bill's critical implementations provisions..

- 3:15 Coffee break

- 3:30 **Small groups:**
Draft Explanations Part of research report as to causes of existing implementing agency officials' problematic behaviors. Select another group member to present the draft the next day.

- 5:00 Meeting of course facilitators with group representatives and any others who have an interest in evaluating the workshop's progress and suggesting improvements.

DAY FOUR: THURSDAY

Reading assignments: Manual, Ch. 4, pp. 99-115; Ch. 5, pp. 141-66; recommended: Study Guide, Stream A, sessions A-8, A-9; Stream B, sessions B-2.

- 9:00 **Reports from groups:** The causes of implementing agency officials' problematic behaviors; and discussion.

- 12:30 Lunch break

- 1:30 **Designing a legislative solution** logically likely to alter or eliminate the causes of the problematic behaviors of the primary role occupants.

- 3:15 Coffee break

- 3:30 **Small groups:**
Draft a section of the Solutions Part of the research report, demonstrating that, translated into a bill's detailed provisions, proposed solutions will help to ensure primary role occupants and implementing officials behave in ways likely to help resolve the social problem addressed. Select presenter for next day (rotate presenters, so someone different speaks each day).

- 5:00 Meeting of course facilitators with group representatives and any others who have an interest in evaluating the workshop's progress and suggesting improvements.

DAY FIVE: FRIDAY

Reading assignments: Manual, Ch. 4, pp. 116-123,; and Ch. 8; recommended: Study Guide, Stream A, session A-10; Stream B, B-3.

- 9:00 **Reports from groups:** Proposed solutions to make it likely that primary role occupants and implementing agencies will behave in ways likely to help resolve the social problem addressed; and discussion.
- 12:30 Lunch break.
- 1:30 **Structuring an outline of a bill's provisions:** Using logic and facts as basis for structuring the bill's outline, and ensuring that necessary subsystems exist either in the bill or in other, existing law.
- 3:15 Coffee break
- 3:30 **Small groups:**
Complete draft of solutions part, including social costs and benefits; and begin work on the outline of the bill's provisions. Assign 1 to 3 members of group to put together complete draft of research report, including an introduction, to be duplicated and given to other groups; and 1 to 3 other members to work over the bill's outline, ensuring that either the bill or existing laws include prescriptions providing for all the necessary subsystems. (One of the latter individuals should present the bill's outline on Monday)
- 5:00 Meeting of course facilitators with group representatives and any others who have an interest in evaluating the workshop's progress and suggesting improvements.

DAY SIX: MONDAY

Assigned readings: Manual, chs. 9-10; recommended: Study guide, Stream B, sessions B-4 through B-9.

- 9:00 **Turn in completed drafts of research reports** for duplication.
Reports from groups: Outlines of your bill (including in the bill or other existing law, the prescriptions for all necessary subsystems), and discussions.
- 10:15 Coffee break
- 10:30 **The unity of form and substance.** Begin work on legislative drafting techniques by engaging participants in doing exercises from Study Guide, Stream B, B-4 through B-9
- 12:30 Lunch break
- 1:30 **Small groups,** using rules from Stream B, sessions B-4 through B-9, divide group members in half; and members in each half draft sections of bills prescribing new behaviors of primary role occupants and implementing agency officials.
- 4:30 **Each group submit draft sections of their bills** for duplication for everyone to take home and read critically in light of the rules specified in Stream B.
- 5:00 Meeting of course facilitators with group representatives and any others who have an interest in evaluating the workshop's progress and suggesting improvements.

DAY SEVEN: TUESDAY

Assigned readings: Manual, Ch. 14; recommended: Study Guide, Stream B, Sessions B-15, B-16..

- 9:00 **Discussion of form and substance** of each group's detailed draft sections of their bills; further exercises from Study Guide Stream B.
- 12:30 Lunch break
- 1:30 **Drafting for the Rule of Law and defensively against corruption.**

3:15 Coffee break.

3:30 **Small groups:**
review points in their bill where (a) [provisions of the bill might increase stakeholder participation; and (b) opportunities for corrupt behavior might appear. Draft (or redraft) essential provisions for increasing participation and reducing the dangers of corruption. Select a presenter for next day.

5:00 Meeting of course facilitators with group representatives and any others who have an interest in evaluating the workshop's progress and suggesting improvements.

DAY EIGHT: WEDNESDAY

Assigned readings: Manual, Chs. 11-13; recommended, Study Guide, Stream B, sessions B-10 through B-14.

9:00 **Reports from groups:** Specific provisions they have drafted to reduce the danger of corruption, and discussions.

10:15 Coffee break.

10:30 **Drafting within limits** imposed by instructions, the Constitution, existing law, the canons of interpretation; the use of subsidiary legislation, administrative regulations and municipal ordinances; **amendments and other 'formal' provisions.**

12:30 Lunch break

1:30 Small groups complete drafting their bills. Each member of each group takes an assignment to prepare a detailed editing of part of other groups' completed draft research reports and bills.

4:00 Submit bills for duplications so everyone can have copies to read and prepare for their role in the editing sessions.

DAY NINE: THURSDAY

9:00-5:00 **Editing sessions.** If time permits, additional drafting exercises from Study Guide, Stream B.

DAY TEN: FRIDAY

9:00-12:00: **Editing sessions.** If time permits, additional drafting exercises from Study Guide, Stream B.

1:00-5:00: **Evaluation and plans** for next steps of institutionalizing an on-going learning process to strengthen Guyanese drafting capacity -